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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,778	12/21/2001	Tommy Fransson	000026-045	1670

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EXAMINER

HUG, ERIC J

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 02/03/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/018,778	FRANSSON ET AL.	
	Examiner	Art Unit	
	Eric Hug	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 2-4, 6, 9-12, 14-16, 18 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 2 and 10-12 are objected to because of use of the word "preferably", because it suggests that the limitations which follow are not necessarily claimed. However, the limitations following "preferably" in the claims have been considered for examination purposes. Removal of the word "preferably" is suggested to clarify these claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3, 4, 6, 7, 9-12, 14-18, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of

the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961), *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949).

In the present instance, claims 3 and 9 recite the broad recitation of "through at least two monotonously growing phases", and the claims also recite "preferably through three or more monotonously growing phases" which is the narrower statement of the range/limitation. Claims 6, 15, and 16 recite the broad recitation of "each of two or more monotonously growing phases", and the claims also recite "preferably the first phases" which is the narrower statement of the range/limitation. Claims 7, 17, and 18 recite the broad recitation of "50-200 mm", and the claims also recite "100 mm" which is the narrower statement of the range/limitation.

Claims 11, 14, and 20 are rejected because they depend on claim 3. Claim 12 is rejected because it depends on claim 9.

Claims 4 and 10 recite the limitation "the intermediate interval or intervals". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1, 2, 5, 7, 8, 13, 17, and 19 are rejected under 35 U.S.C. 102(e)(2) as being anticipated by Kojo et al (US 6,395,135). Kojo discloses a method for threading a paper web whereby a narrow tail is separated from the web and conveying through the paper machine. A tension measuring device is arranged to monitor the tail passing by and is connected to a control means for affecting the tension on the web. The tension of the tail strip is adjusted within the breaking limits of the strip. As a result, the tail is threaded at a tension which is lower than the running tension of a full width web.

A tail having a maximum starting width of 50 cm is separated from the rest of the web. It is conveyed through a dryer section, a calender, and then to a reel-up. A tension measuring device compares the running tension with a predetermined threshold value, based on the breaking strength of the tail, and then gives the information to a processing device for controlling the tension about the predetermined value. Once the desired tension on the tail has been reached

(see first plateau in the graph of Figure 3 marked "threading tension"), the web is spread by well-known means to the full width (at which point it has reached its "running tension"). As the web is being spread, the tension is steadily increased (see slope of graph between threading tension and running tension). Therefore, the web tension is proportionally increased from tail width to the full running width.

The aforementioned method as described reads on claims 1 and 2. With respect to the other claims:

Claims 5, 13: The web is spread from its tail width to its full-width before the full width has reached the last processing device, therefore the growing phase is smaller than the length of the paper machine, which is configured as a single deck.

Claims 7, 17: The width of the web is 50 cm (500 mm) or less, which reads on the claimed values.

Claims 8, 19: In the example provided, the full width is twice the tail width.

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(a) as being anticipated by Yoshiyuki (JP 2000-96483, JPO machine translation provided). Yoshiyuki discloses a control system for threading a paper web from a narrow strip to a full width strip. A detector (16) measures the width of the web, a tension detector (17) measures the tension of the web, then a control unit (18) controls the tension to a predetermined set value based on the width of the web. The system sets

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an initial threading tension value for the narrow strip (TT), a final tension value for the full strip (TW), and then during the course of threading the web the detected tension is compared to a reference tension corresponding to the measured paper width. Then the web tension is controlled to the reference tension. Therefore, the system automatically adjusts the tension in a manner that is proportional to the web width.

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

5. Claims 1, 5, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Weldon (US 5,234,549). Weldon discloses an apparatus for forming a threading tail. In the background and prior art sections, Weldon discloses that a conventional tail is made by slitting the web longitudinally near the front edge of the web using a trim squirt. During a paper machine break, the tail is formed upstream of the break and then threaded through the system as the remainder of the web is dropped to a pulper below the machine. A typical tail is 4 to 7 inches (101-177 mm). As the tail is threaded through the paper machine, the web is widened to its full width at the point of the tail origin. To reduce the risk of breaking the tail, it is widened in proportion with progressive application of tension. The web is widened to its full width before the initial tail has propagated through the paper machine, therefore the growing phase is smaller than the length of the paper machine, which is configured as a single deck.

Allowable Subject Matter

Claims 3, 4, 6, 9-12, 14-16, 18, and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 3 and dependent claims 11, 14, 16, 18, and 20 are allowable, because the prior art does not disclose or suggest a method for threading a material web separated into a narrow part and broad part, the narrow part being threaded under tension and then increased to full width as the tension increases proportionally to the web width, and further whereby the growth of the web occurs in two phases with an intermediate interval of constant width.

Claim 9 and dependent claim 12 are allowable for the same reasons as claim 3.

Claims 4 and 10 are allowable, because the prior art does not disclose or suggest a method further whereby the web passes in alternate directions through two or more decks and whereby the length of an intermediate interval is greater than the length of the web in an individual deck and less than twice the length of the web in an individual deck.

Claims 6 and 15 are allowable, because the prior art does not disclose or suggest a method further whereby the length of each of two or more growing phases is less than the length of the web in an individual deck.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Lewis, Jr. et al (US 3,510,036) discloses a method of threading a spliced web in a printing machine at tensions between a low tension value corresponding to the break point of a spliced web and high tension value corresponding to the break point of an unspliced web, whereby the set web tensions are proportional to the width of the web.


Kilmister (US 5,298,121) discloses a width-wise tension control device for a web.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 703 308-1980. The examiner can normally be reached on Monday through Friday, 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703 308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9310 for regular communications and 703 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0651.


jeh
January 23, 2003


STEVEN P. GRIFFIN
SUPERVISORY PATENT EXAMINER
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